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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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WINSTON BENNETT,

§

Plaintiff,

§

*versus*

§

CIVIL ACTION NO. 1:04-CV-292

UNITED STATES OF AMERICA, *et al.*,

§

Defendants.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

Plaintiff Winston Bennett, a prisoner previously confined at the federal prison in Beaumont, Texas, proceeding *pro se*, filed this civil action against the United States of America and the Bureau of Prisons.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the defendants' motion for summary judgment.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. The defendants' motion for

summary judgment is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 20th day of March, 2006.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE